

Regular Session, 2010

SENATE BILL NO. 615

BY SENATOR MARTINY

ELECTION OFFENSES. Provides relative to election offenses. (gov sig)

AN ACT

To amend and reenact R.S. 18:49.1(C), 1461, 1462, 1463(F), 1465(B), 1467, and 1468(C) and to enact R. S. 18:49.1(D), 1461.2, 1461.3, 1461.4, 1461.5, 1461.6, 1461.7 and 1461.8, and to repeal R.S. 14:119 and R.S. 18:1300.6, relative to the election code; to provide relative to certain election offenses, to provide for definitions; to provided for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:49.1(C), 1461, 1462, 1463(F), 1465(B), 1467, and 1468(C) are hereby amended and reenacted and R. S. 18:49.1(D), 1461.2, 1461.3, 1461.4, 1461.5, 1461.6, 1461.7 and 1461.8 are hereby enacted to read as follows:

§49.1. Elections compliance unit; powers and duties

\* \* \*

**C. Notwithstanding any other provision of law to the contrary, a member of the Elections Compliance Unit may enter a polling place during early voting or on election day for the purposes of checking the overall operations of the polling place or investigating any potential violation of the Louisiana Election Code.**

~~€.~~ **D.** If during the course of investigation, the elections compliance unit determines that there may be a violation of any criminal law or provision of the Louisiana Election Code, the findings of the investigation shall be turned over to the appropriate prosecutorial agency for further investigation or prosecution.

\* \* \*

~~§1461. Election offenses; penalties~~ **Bribery of voters; penalties**

~~A. No person shall knowingly, willfully, or intentionally:~~

~~(1) Fail, refuse, or neglect to discharge any duty imposed upon him, either individually or in an official capacity, by any provision of this Title.~~

~~(2) Being a commissioner, permit fraudulent votes to be cast, or knowingly count votes not entitled to be cast.~~

~~(3) Have in his possession an official ballot in violation of any provision of this Title.~~

~~(4) Offer, promise, solicit, or accept money or anything of present or prospective value to secure or influence a vote or registration of a person.~~

~~(5) Forge, alter, add to, deface, take, destroy, or remove from proper custodial care any book, card, record, election return, nomination papers, withdrawals of candidacy, election supplies, election paraphernalia, or any affidavit or other document required or provided for under the provisions of this Title, unless required to be removed by a court of competent jurisdiction for inspection and photostatic copying for the court record.~~

~~(6) Intimidate, deceive, or misinform, directly or indirectly, any voter or prospective voter in matters concerning voting or nonvoting or voter registration or nonregistration, including but not limited to any matter concerning the voluntary affiliation or nonaffiliation of a voter with any political party.~~

~~(7) Vote or attempt to vote more than once at an election.~~

~~(8) Offer money or anything of present or prospective value or use, directly or indirectly, any form of intimidation to influence the action or encourage inaction of any public official with regard to the duties of his office or to influence a~~

1        ~~commissioner or watcher in his decision to serve or not to serve as such or in the~~  
2        ~~performance of his duties on election day.~~

3                ~~(9) Disobey any lawful instruction of the commissioners or a law~~  
4        ~~enforcement officer assisting at the polls, or without lawful authority obstruct,~~  
5        ~~hinder, or delay any voter on his way to or while returning home from any polling~~  
6        ~~place where an election is being held or on his way to or while returning home from~~  
7        ~~a place where he can legally exercise a vote concerning candidate representation of~~  
8        ~~his party.~~

9                ~~(10) Vote or attempt to vote, knowing that he is not qualified, or influence or~~  
10       ~~attempt to influence another to vote, knowing such voter to be unqualified or the vote~~  
11       ~~to be fraudulent.~~

12               ~~(11) Register, vote, or attempt to register or vote in the name of another or~~  
13       ~~in an assumed or fictitious name, or in any manner other than as provided in this~~  
14       ~~Title.~~

15               ~~(12) Have in his possession the registration certificate of another with intent~~  
16       ~~to violate any provision of this Title.~~

17               ~~(13) Supply a false answer or statement to an election official or in any~~  
18       ~~document required by this Title, or execute an affidavit knowing it to contain false~~  
19       ~~or incorrect information.~~

20               ~~(14) Forge the name of another or use a fictitious name on an affidavit or~~  
21       ~~document required under this Title.~~

22               ~~(15) Unlawfully, directly or indirectly, possess, tamper with, break, impair,~~  
23       ~~impede, or otherwise interfere with the maintenance, adjustment, delivery, use, or~~  
24       ~~operation of any voting machine or part thereof or with any of the paraphernalia~~  
25       ~~connected with or appertaining thereto.~~

26               ~~(16) As a voter, commissioner, watcher, or person assisting a voter, allow a~~  
27       ~~ballot to be seen, except as provided by law; announce the manner in which a person~~  
28       ~~has cast his vote; place a distinguishing mark on a ballot with intent to make the~~  
29       ~~ballot identifiable, or make a false statement concerning ability to mark a ballot~~

1 ~~without assistance.~~

2 ~~(17) Give or offer to give, directly or indirectly, any money or thing of~~  
3 ~~present or prospective value to any person who has withdrawn or who was~~  
4 ~~eliminated prior or subsequent to the primary or first or second primary election as~~  
5 ~~a candidate for public office, for the purpose of securing or giving his political~~  
6 ~~support to any remaining candidates or to candidates for public office in the primary~~  
7 ~~or first or second primary or general election.~~

8 ~~(18) Being a physician, certify to the disability of a voter under R.S. 18:1304,~~  
9 ~~or certify that a person will be hospitalized on election day, knowing such~~  
10 ~~information to be false.~~

11 ~~(19) Breach any mandatory provision of this Title.~~

12 ~~(20) Procure or submit voter registration applications that are known by the~~  
13 ~~person to be materially false, fictitious, or fraudulent.~~

14 ~~(21) While in the voting booth assisting another person in voting, coerce,~~  
15 ~~compel, or otherwise influence the assisted voter to cast his vote in a certain way.~~

16 ~~(22) Being a commissioner, fail to identify an applicant to vote as required~~  
17 ~~by this Title.~~

18 ~~(23) Fail to submit to the parish registrar of voters a completed registration~~  
19 ~~application collected through a registration drive within thirty days of receipt of the~~  
20 ~~completed application from the applicant.~~

21 ~~(24) When assisting a voter in voting, fail to mark the ballot or vote in the~~  
22 ~~manner dictated by the voter.~~

23 ~~B. Whoever violates any provision of this Section shall be fined not more~~  
24 ~~than one thousand dollars or be imprisoned for not more than one year, or both. On~~  
25 ~~a second offense, or any succeeding offense, the penalty shall be a fine of not more~~  
26 ~~than two thousand five hundred dollars or imprisonment for not more than five years,~~  
27 ~~or both.~~

28 ~~C.(1) Notwithstanding any other provision of law to the contrary and in~~  
29 ~~addition to the penalties provided in Subsection B of this Section, any candidate who~~

1 is elected to public office and is convicted of an election offense as provided in  
2 Paragraphs (A)(4), (6), (10), (13), (14), and (17) of this Section that is related to his  
3 campaign for such public office shall forfeit such public office. If such conviction  
4 becomes final prior to the candidate taking the oath of office for such public office,  
5 the candidate shall forfeit the public office and shall not be allowed to hold such  
6 public office and such public office shall be declared vacant at the time such  
7 conviction becomes final. If the conviction for such election offense does not  
8 become final until after such candidate has taken the oath of office for such public  
9 office, then, at the time such conviction becomes final, he shall forfeit such public  
10 office and shall be, ipso facto, removed from such public office and such public  
11 office shall be declared vacant.

12 (2) However, if such candidate held such public office at the time of the  
13 commission of the election offense, he shall be allowed to serve the remainder of the  
14 term he was then serving, but, at the time his conviction for the election offense  
15 becomes final, he shall forfeit the public office for the subsequent term. If he has  
16 taken the oath of office for the subsequent term, he shall, at the time the conviction  
17 for the election offense becomes final, forfeit such public office and shall be, ipso  
18 facto, removed from such public office and such public office shall be declared  
19 vacant.

20 (3) Any vacancy in a public office occurring as a result of the provisions of  
21 this Subsection shall be filled as in the case of ordinary vacancies and according to  
22 the constitution and laws of the state.

23 **A.(1) Bribery of voters is the giving or offering to give, directly or**  
24 **indirectly, any money, or anything of apparent present or prospective value to**  
25 **any voter at any general, primary, or special election, or at any convention of**  
26 **a recognized political party, with the intent to influence, the voter in the casting**  
27 **of his ballot. The acceptance of, or the offer to accept, directly or indirectly, any**  
28 **money, or anything of apparent present or prospective value, by any such voters**  
29 **under such circumstances shall also constitute bribery of voters.**

1           (2) Bribery of voters is also the giving or offering to give, directly or  
2           indirectly, any money or anything of apparent present or prospective value to  
3           secure or influence registration of a person or to secure or influence a person  
4           to sign or not sign a recall or other election petition.

5           B. Whoever violates any provision of this Section shall be fined not more  
6           than two thousand dollars or be imprisoned, with or without hard labor, for not  
7           more than two years, or both, for the first offense. On a second offense, or any  
8           succeeding offense, the penalty shall be a fine of not more than five thousand  
9           dollars or imprisonment at hard labor for not more than five years, or both.

10          C. In the trial of persons charged with bribery of voters either the bribe-  
11          giver or the bribe-taker may give evidence, or make affidavit against the other,  
12          with immunity from prosecution in favor of the first informer, except for  
13          perjury in giving such testimony.

14          D. Any fine imposed and collected from the convicted person or persons  
15          under the provisions of this Section shall be paid to the informer or informers  
16          who shall give information resulting in the conviction of said person or persons,  
17          provided that the informer or informers shall not have been party to the  
18          violation of this Section as either the bribe-giver or bribe-taker.

19                                   \*           \*           \*

20          §1461.2. Election offenses affecting registration and election fraud or forgery;  
21                                   penalties

22           A. No person shall knowingly, willfully, or intentionally:

23           (1) Vote or attempt to vote more than once at an election.

24           (2) Vote or attempt to vote, knowing that he is not qualified, or influence  
25           or attempt to influence another to vote, knowing such voter to be unqualified  
26           or the vote to be fraudulent.

27           (3) Register, vote, or attempt to register or vote in the name of another  
28           or in an assumed or fictitious name, or in any manner other than as provided  
29           in this Title.

1                   (4) Forge the name of another or use a fictitious name on an affidavit or  
2                   document required under this Title.

3                   (5) Procure or submit voter registration applications that are known by  
4                   the person to be materially false, fictitious, or fraudulent.

5                   (6) Forge, alter, add to, deface, take, destroy, or remove from proper  
6                   custodial care any book, card, record, voter registration application, election  
7                   return, nomination papers, withdrawals of candidacy, election supplies, election  
8                   paraphernalia, or any affidavit or other document required or provided for  
9                   under the provisions of this Title, unless required to be removed by a court of  
10                  competent jurisdiction for inspection and photostatic copying for the court  
11                  record.

12                  (7) Have in his possession an official ballot in violation of any provision  
13                  of this Title.

14                  (8) Have in his possession the registration certificate of another with  
15                  intent to violate any provision of this Title.

16                  B. Whoever violates any provision of this Section shall be fined not more  
17                  than two thousand dollars or be imprisoned, with or without hard labor, for not  
18                  more than two years, or both, for the first offense. On a second offense, or any  
19                  succeeding offense, the penalty shall be a fine of not more than five thousand  
20                  dollars or imprisonment at hard labor for not more than five years, or both.

21                  §1461.3. Election offenses affecting registrars, deputy registrars,  
22                  commissioners, watchers or officials, penalties

23                  A. No person shall knowingly, willfully, or intentionally:

24                  (1) Being a registrar, deputy registrar or commissioner, permit  
25                  fraudulent votes to be cast, or knowingly count votes not entitled to be cast.

26                  (2) Fail, refuse, or neglect to discharge any duty imposed upon him,  
27                  either individually or in an official capacity, by any provision of this Title.

28                  (3) Supply a false answer or statement to an election official or in any  
29                  document required by this Title, or execute an affidavit knowing it to contain

1 false or incorrect information.

2 B. Whoever violates any provision of Subsection A of this Section shall  
3 be fined not more than two thousand dollars or be imprisoned, with or without  
4 hard labor, for not more than two years, or both.

5 C. No person shall knowingly, willfully, or intentionally:

6 (1) Being a registrar, deputy registrar or commissioner fail to identify an  
7 applicant to vote as required by this Title.

8 (2) Sign a voter's name in the precinct register.

9 (3) Attempt to influence a commissioner or watcher in the performance  
10 of his duties on election day.

11 (4) Disobey any lawful instruction of a registrar, deputy registrar or  
12 commissioner or a law enforcement officer providing assistance to maintain  
13 order at a polling place.

14 D. Whoever violates any provision of Subsection C of this Section shall  
15 be fined not more than five hundred dollars or be imprisoned in the parish jail  
16 for not more than six months, or both.

17 §1461.4. Election of offenses involving threats or intimidation of voters;  
18 penalties

19 A. No person shall knowingly, willfully, or intentionally:

20 (1) Intimidate, deceive, or misinform, directly or indirectly, any voter or  
21 prospective voter in matters concerning voting or nonvoting or voter  
22 registration or nonregistration, or the signing or not signing of a recall petition,  
23 including but not limited to any matter concerning the voluntary affiliation or  
24 nonaffiliation of a voter with any political party.

25 (2) While in the voting booth assisting another person in voting, coerce,  
26 compel, or otherwise influence the assisted voter to cast his vote in a certain  
27 way.

28 (3) Intimidate a person by the use of violence, force, or threats with the  
29 intent to influence that person's decision to vote or to impede such person's



ingress or egress from a polling place.

(4) Without lawful authority, obstruct, hinder, or delay any voter on his way to or while returning home from any polling place where an election is being held or on his way to or while returning home from a place where he can legally exercise a vote concerning candidate representation of his party.

B. Whoever violates any provision of this Section shall be fined not more than two thousand dollars or be imprisoned, with or without hard labor, for not more than two years, or both, for the first offense. On a second offense, or any succeeding offense, the penalty shall be a fine of not more than five thousand dollars or imprisonment at hard labor for not more than five years, or both.

§1461.5. Election offenses involving bribery, threats or intimidation of public officials or candidates; penalties

A. No person shall knowingly, willfully, or intentionally:

(1) Offer money or anything of apparent present or prospective value or use, directly or indirectly, any form of intimidation to influence the action or encourage inaction of any public official with regard to the duties of his office.

(2) Give or offer to give, directly or indirectly, any money or thing of apparent present or prospective value to any person who has withdrawn or who was eliminated prior or subsequent to the primary of first or second primary election as a candidate for public office, for the purpose of securing or giving his political support to any remaining candidates or to candidates for public office in the primary or general election.

B. Whoever violates any provision of this Section shall be fined not more than two thousand dollars or be imprisoned, with or without hard labor, for not more than two years, or both, for the first offense. On a second offense, or any succeeding offense, the penalty shall be a fine of not more than five thousand dollars or imprisonment at hard labor for not more than five years, or both.

§1461.6. Election offenses involving tampering with election equipment; penalties

**A. No person shall knowingly, willfully, or intentionally:**

**(1) Prior to an election, during transit to a polling place, during early voting, during election day voting or while in storage awaiting certification of election results, with intent to defraud, tamper with any voting equipment so as to attempt to influence the accurate and/or timely reporting of election results.**

**(2) Unlawfully, directly or indirectly, possess, tamper with, break, impair, impede, or otherwise interfere with the maintenance, adjustment, delivery, use, or operation of any voting machine or part thereof or with any of the paraphernalia connected with or appertaining thereto.**

**B. Whoever violates any provision of this Section shall be fined not more than ten thousand dollars or be imprisoned at hard labor for not more than five years, or both.**

**§1461.7. Miscellaneous election offenses; penalties**

**A. No person shall knowingly, willfully, or intentionally:**

**(1) Fail to submit to the parish registrar of voters a completed registration application collected through a registration drive within thirty days of receipt of the completed application from the applicant.**

**(2) As a voter, registrar, deputy registrar, commissioner, watcher, or person assisting a voter, allow a ballot to be seen, except as provided by law, announce the manner in which a person has cast his ballot, place a distinguishing mark on a ballot with intent to make the ballot identifiable, or make a false statement concerning ability to mark a ballot without assistance.**

**(3) When assisting a voter in voting, fail to mark the ballot or vote in the manner dictated by the voter.**

**(4) Being a physician, certify to the disability of a voter under R.S. 18:1304, or certify that a person will be hospitalized on election day, knowing such information to be false.**

**(5) Breach any mandatory provision of this Title**

**B. Whoever violates any provision of Subsection A of this Section shall**

1 be fined not more than one thousand dollars or be imprisoned for not more than  
2 one year, or both. On a second offense, or any succeeding offense, the penalty  
3 shall be a fine of not more than two thousand five hundred dollars or  
4 imprisonment for not more than five years, or both.

5 C. No person shall:

6 (1) Possess any beverage of alcoholic content in a polling place after  
7 having been directed by a registrar or deputy registrar, commissioner or law  
8 enforcement officer providing assistance to maintain order at the polling place  
9 to remove or dispose of the beverage.

10 (2) Appear at a polling place in an intoxicated condition.

11 (3) Carry or possess a firearm while present in a polling place, except a  
12 peace officer as defined by R.S. 40:2402(3)(a), in the performance of his official  
13 duties.

14 D. Whoever violates any provision of Subsection C of this Section shall  
15 be fined not more than five hundred dollars or be imprisoned for not more than  
16 six months, or both. On a second offense or any succeeding offense, the penalty  
17 shall be a fine of not more than one thousand dollars or imprisonment for not  
18 more than one year, or both.

19 §1461.8. Election offense; candidate; forfeiture of office

20 A. Notwithstanding any other provision of law to the contrary and in  
21 addition to the penalties provided in R.S. 18:1461 through 1461.7, any candidate  
22 who is elected to public office and is convicted of an election offense as provided  
23 in R. S. 18:1461, 1461.2(A)(2) or (4), 1461.3(A)(3), 1461.4(A)(1) and 1461.5(A)(2)  
24 that is related to his campaign for such public office shall forfeit such public  
25 office. If such conviction becomes final prior to the candidate taking the oath of  
26 office for such public office, the candidate shall forfeit the public office and shall  
27 not be allowed to hold such public office and such public office shall be declared  
28 vacant at the time such conviction becomes final. If the conviction for such  
29 election offense does not become final until after such candidate has taken the

1 oath of office for such public office, then, at the time such conviction becomes  
2 final, he shall forfeit such public office and shall be, ipso facto, removed from  
3 such public office and such public office shall be declared vacant.

4 B. However, if such candidate held such public office at the time of the  
5 commission of the election offense, he shall be allowed to serve the remainder  
6 of the term he was then serving, but, at the time his conviction for the election  
7 offense becomes final, he shall forfeit the public office for the subsequent term.  
8 If he has taken the oath of office for the subsequent term, he shall, at the time  
9 the conviction for the election offense becomes final, forfeit such public office  
10 and shall be, ipso facto, removed from such public office and such public office  
11 shall be declared vacant.

12 C. Any vacancy in a public office occurring as a result of the provisions  
13 of this Subsection shall be filled as in the case of ordinary vacancies and  
14 according to the Constitution and laws of the state.

15 §1462. Acts prohibited during early voting or on election day; electioneering;  
16 intimidation; exceptions; enforcement; penalties

17 A. The Legislature of Louisiana recognizes that the right to vote is a right that  
18 is essential to the effective operation of a democratic government. Due to a past,  
19 longstanding history of election problems, such as multiple voting, votes being  
20 recorded for persons who did not vote, votes being recorded for deceased persons,  
21 voting by non-residents, vote buying, and voter intimidation, the legislature finds  
22 that the state has a compelling interest in securing a person's right to vote in an  
23 environment which is free from intimidation, harassment, confusion, obstruction, and  
24 undue influence. The legislature, therefore, enacts this Subsection to provide for a  
25 six hundred foot campaign-free zone around polling places to provide to each voter  
26 such an environment in which to exercise his right to vote. Except as otherwise  
27 specifically provided by law, it shall be unlawful for any person, between the hours  
28 of 6:00 a.m. and 9:00 p.m., to perform or cause to be performed any of the following  
29 acts within any polling place being used in an election on election day or within any

1 place wherein early voting is being conducted, or within a radius of six hundred feet  
2 of the entrance to any polling place being used in an election on election day or any  
3 place wherein early voting is being conducted:

4 (1) To solicit in any manner or by any means whatsoever any other person  
5 to vote for or against any candidate or proposition being voted on in such election.

6 (2) To remain within any such polling place or place wherein early voting is  
7 being conducted or within a radius of six hundred feet of the entrance of any such  
8 polling place, except when exercising the right to vote, after having been directed;  
9 ~~in writing~~, by an election commissioner or law enforcement officer to leave the  
10 premises or area of a polling place or after having been directed, ~~in writing~~, by a  
11 registrar or deputy registrar to leave the place wherein early voting is being  
12 conducted.

13 (3) To hand out, place, or display campaign cards, pictures, or other  
14 campaign literature of any kind or description whatsoever.

15 (4) To place or display political signs, pictures, or other forms of political  
16 advertising.

17 **(5) To circulate a recall petition or seek handwritten signatures to a**  
18 **recall petition.**

19 B. The provisions hereof shall not apply to the placing and displaying, either  
20 by the owner, lessee, or lawful occupant thereof, or with the consent of such owner,  
21 lessee or occupant, of political signs or pictures on private property which is not  
22 being used as a polling place.

23 C. The provisions of this Section shall not be construed as prohibiting any  
24 appointed election commissioner or any official watcher from remaining in and  
25 about the polling place in which he was selected to serve.

26 **D. However, no appointed No registrar, deputy registrar, commissioner**  
27 **or** election official shall wear any badge, button, pin, or other insignia identifying  
28 him with any political candidate or faction, ~~nor shall any such official in any manner~~  
29 ~~attempt to influence any voter to vote for or against any candidate or proposition~~

1 being voted on in the election being held in that polling place nor shall any such  
2 official carry or possess a firearm while present in the polling place.

3 **E. No registrar, deputy registrar, commissioner or election official shall**  
4 **in any manner attempt to influence any voter to vote for or against any**  
5 **candidate or proposition being voted on in the election being held in that polling**  
6 **place.**

7 ~~D. No person shall:~~

8 (1) ~~Possess any beverage of alcoholic content in a polling place after having~~  
9 ~~been directed by a commissioner or law enforcement officer assisting at the polls to~~  
10 ~~remove or dispose of the beverage.~~

11 (2) ~~Appear at a polling place in an intoxicated condition.~~

12 (3) ~~Intimidate a person by the use of violence, force, or threats with the intent~~  
13 ~~to influence that person's decision to vote or to impede such person's ingress or~~  
14 ~~egress from a polling place.~~

15 ~~E.F.~~ The duly constituted law enforcement officers of the political  
16 subdivision in which any such election is being held shall enforce the provisions of  
17 this Section when requested to do so by ~~the~~ **a registrar, deputy registrar or**  
18 ~~commissioners. The election commissioners at the several polling places likewise~~  
19 ~~shall enforce the provision of this Section.~~ **The registrar, deputy registrar and**  
20 **commissioners likewise shall enforce the provisions of the Section at the polling**  
21 **places.** ~~These~~ **The** law enforcement officers ~~and, commissioners, deputy registrars~~  
22 **and registrar** are authorized to seize, remove, and destroy any political cards, signs,  
23 pictures, or literature being used or displayed in violation of any of the provisions  
24 hereof.

25 ~~F. G.~~ Whoever violates any provision of this Section shall be fined not more  
26 than five hundred dollars or be imprisoned for not more than six months, or both. On  
27 a second offense or any succeeding offense, the penalty shall be a fine of not more  
28 than one thousand dollars or imprisonment for not more than one year, or both.

29 §1463. Political material; ethics; prohibitions

\* \* \*

F. ~~Whoever violates any provision of this Section may be punished by a fine not to exceed five hundred dollars or be imprisoned for not more than six months, or both.~~ **Whoever violates any provision of this Section shall be fined not more than two thousand dollars or be imprisoned, with or without hard labor, for not more than two years, or both.**

\* \* \*

§1465. Prohibited use of public funds

\* \* \*

B. Whoever violates any provision of this Section shall be fined not more than ~~five hundred~~ **one thousand** dollars or be imprisoned, **with or without hard labor,** for not more than ~~six months~~ **two years,** or both. ~~On a second offense or any succeeding offense, the penalty shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both.~~

\* \* \*

§1467. Conviction in fraudulent vote cases; prohibition from employment in elections

Any person who has been convicted of any crime involving fraud **or any violation of this Title** while serving in the conduct of an election and in his capacity as a commissioner-in-charge, commissioner, watcher, or employee of a parish custodian of voting machines, or deputy of a clerk of court or ~~of the civil sheriff of the parish of Orleans~~ **law enforcement officer,** shall thereafter be prohibited from serving in any of the positions aforementioned in any election or in connection with any election.

§1468. Contributions in return for endorsement; prohibition

\* \* \*

C. Whoever violates the provisions of this Section ~~shall be guilty of a misdemeanor and shall be fined not in excess of five hundred dollars~~ **more than one thousand dollars** or ~~be~~ **imprisoned, with or without hard labor,** for not more than

1           ~~six months~~ **five years**, or both.

2           Section 2. R.S. 14:119 and 18:1300.6 are hereby repealed in their entirety.

3           Section 3. This Act shall become effective upon signature by the governor or, if not  
4 signed by the governor, upon expiration of the time for bills to become law without signature  
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
7 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Tim Prather.

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#### DIGEST

Present law provides relative to the elections compliance unit.

Proposed law provides that a member of the Elections Compliance Unit may enter a polling place during early voting or on election day for the purposes of checking the overall operations of the polling place or investigating any potential violation of the election code.

Present law provides for general election offenses and penalties.

Proposed law provides for following specific election offenses:

- (1) Bribery of voters.
- (2) Election offenses affecting registration and election fraud or forgery.
- (3) Election offenses affecting registrars, deputy registrars, commissioners, watchers or officials.
- (4) Election of offenses involving threats or intimidation of voters.
- (5) Election offenses involving bribery, threats or intimidation of public officials or candidates.
- (6) Election offenses involving tampering with election equipment.
- (7) Miscellaneous election offenses
- (8) Election offense; candidate; forfeiture of office

Present law prohibited certain activities on election day.

Proposed law prohibited certain activities during early voting or on election day.

Present law prohibits certain political materials and imposes certain ethical standards and imposes penalties for violation of present law including a fine not to exceed \$500 or be imprisoned for not more than six months, or both.

Proposed law increases the penalty for violation of proposed law to a fine not to exceed \$2000 or be imprisoned, with or without hard labor, for not more than two years, or both.



Present law prohibited use of public funds and imposes a fine of not more than \$500 or imprisonment for not more than six months, or both. Provides that on a second offense or any succeeding offense, the penalty will be a fine of not more than \$1000 or imprisonment for not more than one year, or both.

Proposed law increases the penalties for violation of present law to a fine of not more than \$1000 or imprisonment, with or without hard labor, for not more than two years, or both.

Present law provides that the act of giving contributions in return for endorsement is considered a misdemeanor offense and the violator will be fined not in excess of \$500 or imprisoned for not more than six months, or both.

Proposed law increases the penalty for violation of present law to a fine of not more than \$1000 or imprisonment, with or without hard labor, for not more than five years, or both.

(Amends R.S. 18:49.1(C), 1461, 1462, 1463(F), 1465(B), 1467, and 1468(C); adds R.S. 18:49.1(D), 1461.2, 1461.3, 1461.4, 1461.5, 1461.6, 1461.7, and 1461.8; repeals R.S. 14:119 and R.S. 18:1300.6)